

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

**PRESTON BLANTON, ID# 42100-177,**

Plaintiff,

v.

**UNITED STATES OF AMERICA,**

Defendant.

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Civil Action No. **3:13-CV-774-L-BH**

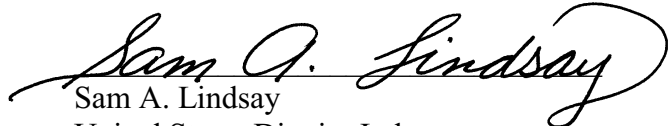
**ORDER**

Before the court is the Government's Motion to Dismiss, or, in the Alternative, Motion for Summary Judgment (Doc. 23), filed August 28, 2013. On February 3, 2014, Magistrate Judge Irma Carrillo Ramirez entered Findings, Conclusions and Recommendation of the United States Magistrate Judge ("Report"), recommending that the court grant the Government's summary judgment motion but permit Plaintiff to file an amended complaint to assert a claim for monetary damages for destroyed property, pursuant to *Bivens v. Six Unknown Named Agents*, 403 U.S. 388 (1971). No objections to the Report were filed.

Having reviewed the Government's motion and reply, Plaintiff's response, pleadings, file, record in this case, applicable law, and the findings and conclusions of the magistrate judge, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. Accordingly, the court **grants** the Government's Motion for Summary Judgment, **denies as moot** the Government's Motion to Dismiss (Doc. 23), and **dismisses with prejudice** Plaintiff's sole claim for the return of property against the United States of America.

As recommended by the magistrate judge, Plaintiff will be permitted to file an amended complaint to assert a *Bivens* claim for monetary damages for destroyed property. Any amended complaint must be filed by **March 21, 2014**. *Failure to file an amended complaint in accordance with this order by March 21, 2014, will result in dismissal of this action with prejudice pursuant to Federal Rule of Civil Procedure 12(b)(6).*

**It is so ordered** this 21st day of February, 2014.

  
Sam A. Lindsay  
United States District Judge